

## REMARKS

### **I. Status of the Application**

At the time of the Action, Claims 1-9, 12-16, 18-28, 30-33, 35-37 and 41-48 were pending. Claims 41-45 were withdrawn in response to a restriction requirement (Applicants hereby affirm the election of the claims of Group I). Claims 33, 35-37, 46 and 47 are allowed. The Action objects to Claims 14, 15, 18, 19, 21, 22, 27, 28, 31 and 32, but deems that these claims would be allowable if written in independent form including all of the recitations of their respective base claims. Claims 1-3, 8, 12, 13, 16, 20, 23-26 and 30 stand rejected under Section 102(b). The remaining claims stand rejected under Section 103(a).

New Claim 49 has been added and includes the subject matter of canceled, allowable Claim 14; as such, Claim 49 should be allowable. New Claim 50 has been added and recites the subject matter of canceled, allowable Claim 31, so Claim 50 should also be allowable.

The rejections of under Sections 102(b) and 103(a) are addressed below.

### **II. The Rejection of Claim 1 under Section 102(b)**

Claim 1 stands rejected under Section 102(b) as anticipated by U.S. Patent No. 2,788,997 to Wagner et al. (Wagner). The Action states that Wagner discloses:

[a] container 1 comprising a receptacle having side walls, a floor (at the bottom of the aircraft), and an open end; a cover (any of elements 6, 7 and 8) pivotally attached to one of the walls of the receptacle, the cover being movable between an open position, in which the open end of the receptacle can be accessed, and a closed position, in which the cover overlies the open end of the receptacle; as seen in figures 2 and 3, a locking pin (50,51) is mounted on one of the cover and a receptacle wall; and at least one locking system for maintaining the cover in the closed position, the locking system comprising a release member (not shown, but attached to 24) and although not explicitly shown, the release member inherently being attached to the other of the cover and a receptacle wall; a connecting member 23 attached to the release member, and a rotary unit including a base plate 56 having a slot (although not explicitly shown, inherently there is a slot to receive element 50, 51), a rotary member 25 rotatably mounted with the base plate about a

first axis of rotation, the rotary member including a plurality of fingers extending radially outwardly from a central portion thereof and an engagement portion being the recessed portions between the fingers fixed to the central portion, and a pawl member 35 pivotally mounted with the base plate about a second axis of rotation and coupled with the connecting member at least during a portion of operation of the device; wherein when the cover is in the closed position, the locking pin is received within the slot of the rotary unit base plate and engages one of the fingers of the rotary member, and the pawl member via (30, 31) engages the engagement portion to prevent rotation thereof, and wherein actuation of the release member disengages the pawl member from the engagement portion, thereby enabling the rotary member to rotate freely relative to the base plate, which rotation disengages the locking pin from the rotary member and enables the cover to move to the open position.

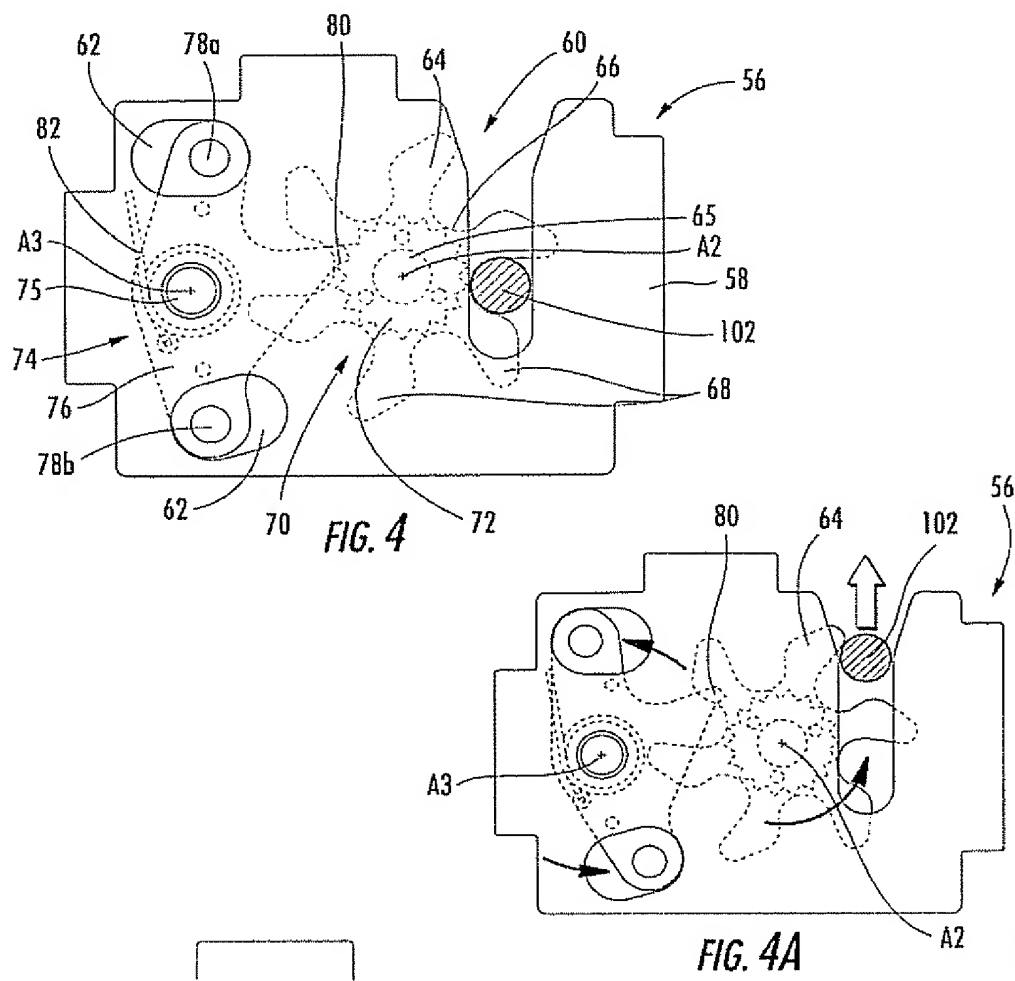
The Action at pages 5-7. Based on these findings, the Action concludes that Wagner anticipates Claim 1.

Applicants disagree with the characterizations of some of the claim elements. For example, Claim 1 recites, in part:

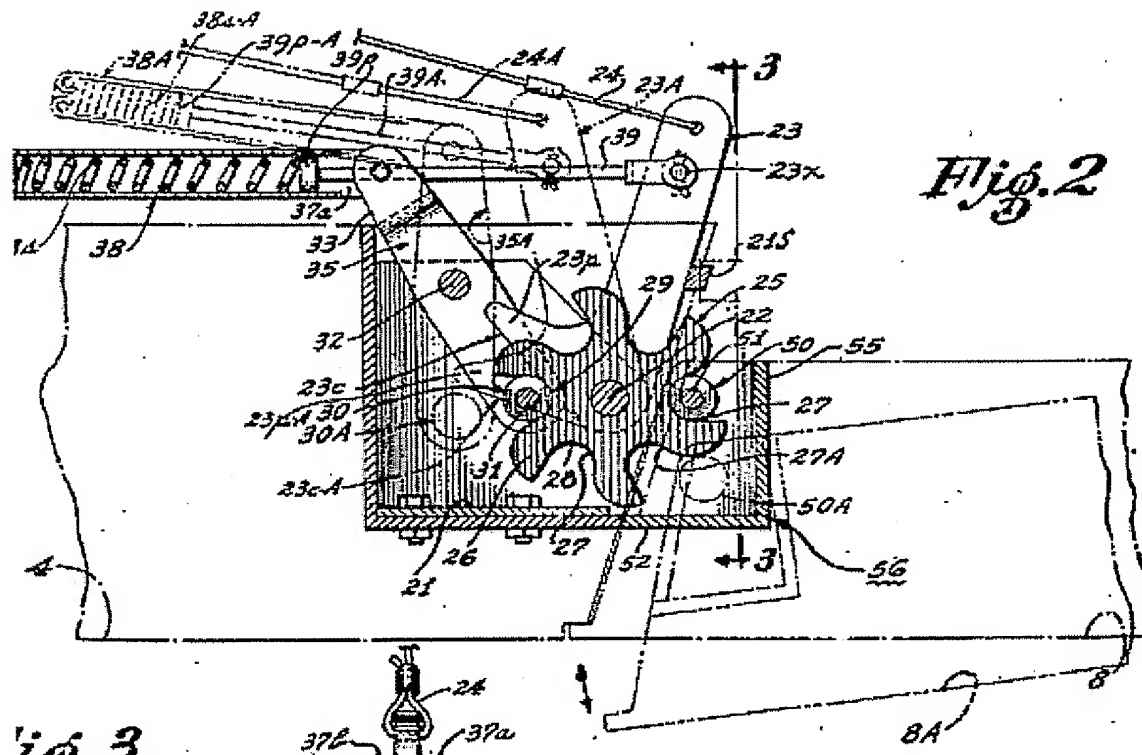
a rotary unit including a base plate having a slot, a rotary member rotatably mounted with the base plate about a first axis of rotation, the rotary member including a plurality of fingers extending radially outwardly from a central portion thereof and an engagement portion fixed to the central portion, and a pawl member pivotally mounted with the base plate about a second axis of rotation and coupled with the connecting member;

wherein when the cover is in the closed position, the locking pin is received within the slot of the rotary unit base plate and engages one of the fingers of the rotary member, and the pawl member engages the engagement portion to prevent rotation thereof, and wherein actuation of the release member disengages the pawl member from the engagement portion, thereby enabling the rotary member to rotate freely relative to the base plate, which rotation disengages the locking pin from the rotary member and enables the cover to move to the open position.

Thus, Claim 1 recites that the rotary member has (a) a plurality of fingers (exemplified by fingers 64 in the figures below, which are reproduced from Applicants' specification) that radiate from a central portion of the rotary member and (b) an engagement portion (exemplified by gear 72 in the figures below) fixed to the central position. In the closed position of **Figure 4** below, the fingers 64 engage the locking pin 50, and the pawl member 78 engages the engagement portion 72, and actuation of the release member disengages the pawl member 78 (**Figure 4A** below), which enables rotation of the rotary member 56 to disengage the locking pin 50.



The device disclosed in Wagner (see **Figure 2** from Wagner below) does not meet the recitations of Claim 1. Specifically, the Action states that the "fingers" of Claim 1 are met by lobes 26 of the disk 25 in Wagner, and that the "engagement portion" is met by the "recessed portions between the fingers."



Applicants note that, when the cover is closed, the roller 50 is captured in a recess between the lobes 26 and the roller 30 on the pawl member 35 is also captured in a recess between the lobes 26. Thus, the same structures on the rotary member 25 (*i.e.*, the recesses between the lobes) capture the pins 30 and 50.

Claim 1 clearly recites that the locking pin engages the fingers of the rotary members, and the pawl member engages the engagement portion of the rotary members. Applicants submit that it is improper for the identical structure to be cited as engaging both the locking pin and the pawl member when Claim 1 recites them as being distinct structures. Either the lobes 26 of Wagner engage both the roller 30 and the roller 50, or the recesses between the

lobes engage both of these components; it would be improper to characterize the lobes 26 as engaging the roller 30 and the recessed portion as engaging the roller 50 when these are essentially the same structure. In either event, Wagner fails to meet the recitations of Claim 1. As such, Applicants submit that the rejection of Claim 1 under Section 102(b) based on Wagner cannot stand and should be withdrawn, as should the rejections of claims dependent on Claim 1.

Applicants further submit that Wagner fails to render the recited configuration obvious. Applicant submits that, to the extent that the Wagner device is analogous to that recited in Claim 1, the lever arm 23 is most closely aligned functionally with the "engagement portion" recited in Claim 1, as it is the component that engages and disengages the pawl arm 35, thereby permitting or preventing movement of the disk 25. However, the lever arm 23 is not fixed to the disk 25 as recited in Claim 1, nor is there any suggestion therein that the lever arm 23 be fixed to the disk 25. Accordingly, Applicants submit that Wagner also fails to render the subject matter of Claim 1 unpatentable under Section 103(a).

### **III. The Rejection of Claim 23 under Section 102(b)**

The Action rejects Claim 23 based on Wagner and cites the same reasons set forth above for Claim 1. In response, Applicants respectfully direct the Examiner's attention to Claim 23, which recites, in part:

a rotary member rotatably mounted with the base plate about a first axis of rotation, the rotary member including a plurality of fingers extending radially outwardly from a central portion thereof and an engagement portion fixed to the central portion; and

a pawl member pivotally mounted with the base plate about a second axis of rotation and adapted for coupling with a connecting member, the pawl member including an engagement projection that selectively engages the engagement portion of the rotary member to prevent rotation of the rotary member in a first rotative direction but permit free rotation of the rotary member in a second rotative direction that is opposite the first rotative direction.

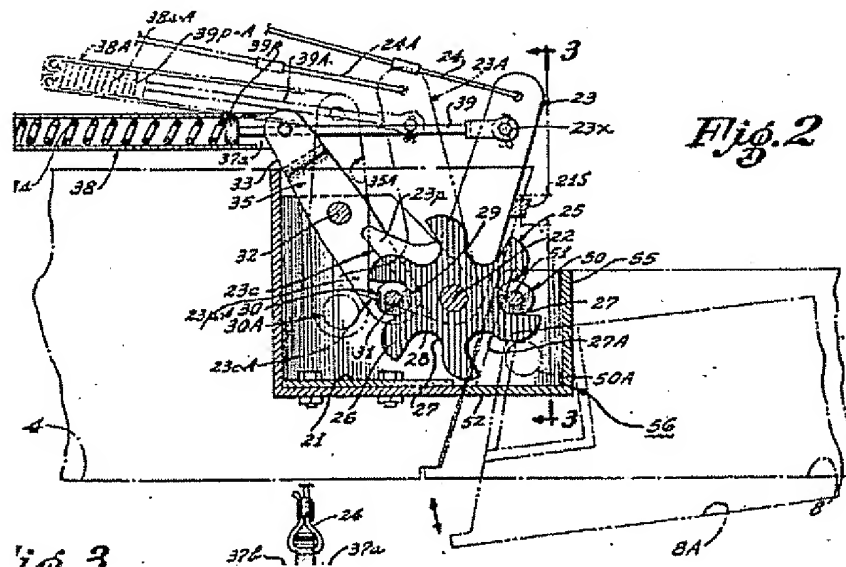
Thus, like Claim 1, Claim 23 also recites separately "a plurality of fingers" and "an engagement portion." Applicants respectfully submit that Claim 23 is free of the cited art for the same reasons as set forth above in connection with Claim 1.

#### **IV. The Rejection of Claim 48 under Section 103(a)**

Claim 48 stands rejected under Section 103(a) as unpatentable over Wagner. The Action cites Wagner as disclosing all of the elements of Claim 48 with the exception of "explicitly teaching two pawl post apertures and two pawl posts" as recited in Claim 48. The Action then states that:

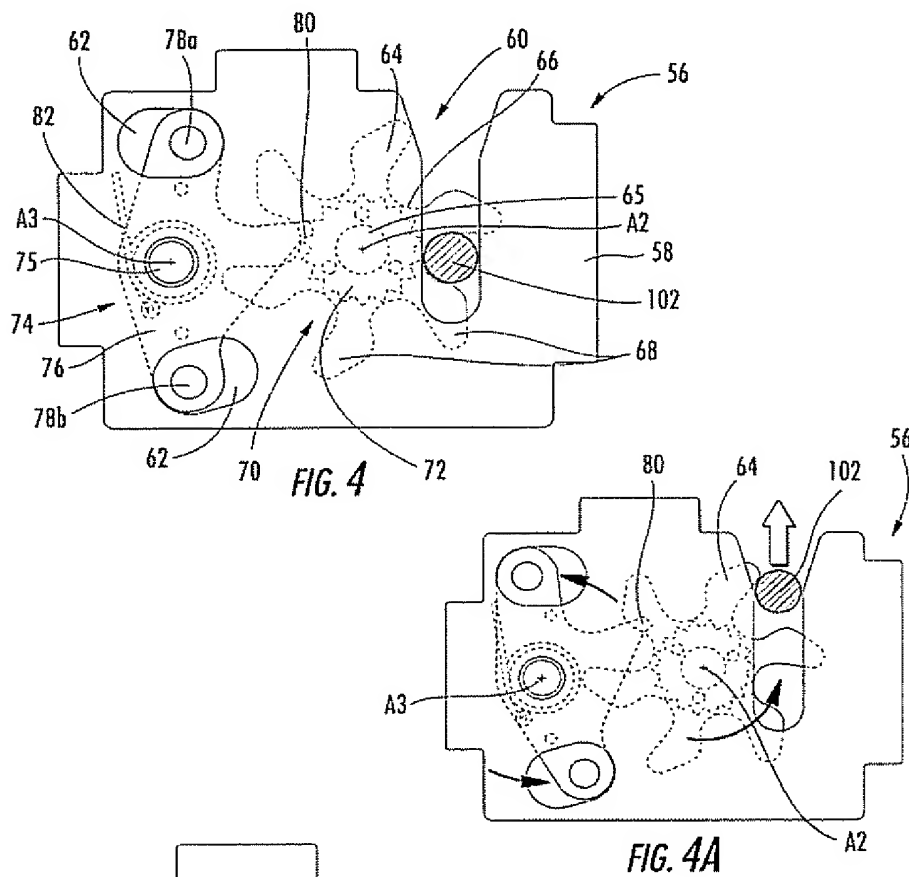
such structure is suggested by Wagner at 32. Although not shown in the cross-sectional view for post near 32, shaft 22 is shown with structure of the claimed subject matter at its ends. It would have been obvious to have made the design of Wagner in this way for the purpose of providing effective mounting structure of the pawl member.

The Action at page 8. The Wagner device cited in the Action is reproduced again in the figure below.



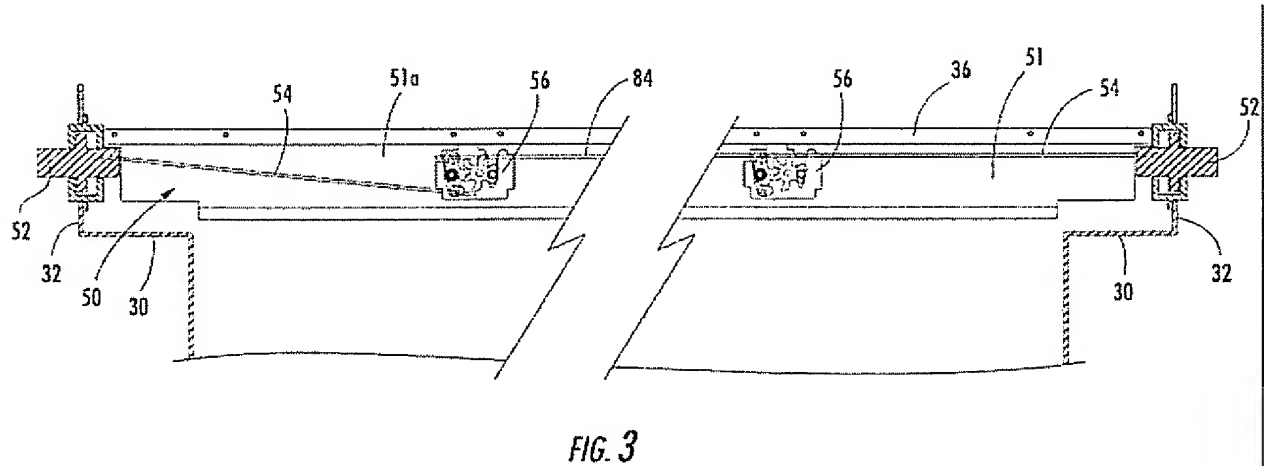
Based on these findings, the Action rejects Claim 48 under Section 103(a).

In response, Applicants agree that Wagner fails to disclose “two pawl post apertures and two pawl posts” as recited in Claim 48. **Figures 4 and 4A** of Applicants' specification are set forth below to illustrate these features.



As described in the specification, the pawl posts 78a, 78b provide attachment points for the connecting rod 54 (see **Figure 3** below), which in turn enables an operator to unlock and

open the cover 36 by pressing on the palm buttons 52 on either end of the container.



Notably, in the illustrated embodiment, two different rotary units 56 of the same configuration can be used with the same container because of the presence of the two pawl post apertures 62a, 62b and two pawl posts 78a, 78b: one connecting rod 54 is connected at one end to a palm button 52 and at the other end to the pawl post 78b, and the other connecting rod 54 is connected at one end of the other palm button 52 and at the other end to the pawl post 78a.

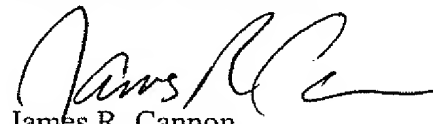
In contrast, the Wagner device has no pawl post that extends through a pawl aperture (the pawl arm 35 of Wagner does not include a post that extends through an aperture in the base plate). There is no suggestion in Wagner that any pawl posts be employed, much less multiple pawl posts, and further there is no suggestion of the performance advantage (namely, the use of two identical rotary units on the same container) achievable with this configuration. As such, Applicants respectfully submit that it would not have been obvious for the ordinarily skilled artisan to conceive the subject matter of Claim 48 based on the teachings of Wagner, and respectfully requests that this rejection be withdrawn.



**V. Conclusion**

Inasmuch as the points and concerns raised in the Official Action have been addressed in full, Applicant respectfully requests that this application is in condition to pass to issue, which action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



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